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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 RUBY E. KETSCHAU,

9 Plaintiff,

10 v.

11 UNITED STATES OF AMERICA, et al.,

12 Defendants.

CASE NO. 3:21-cv-05757-BHS

ORDER ON REVIEW OF MOTION
FOR RECUSAL

13 On January 20, 2022, Plaintiff Ruby E. Ketschau filed a Motion seeking to disqualify the
14 Honorable Benjamin H. Settle in this matter. Dkt. #10. On January 21, Judge Settle issued an
15 Order declining to recuse himself and, in accordance with this Court's Local Rules, referring that
16 decision to the Chief Judge for review. Dkt. #11; LCR 3(f).

17 A judge of the United States shall disqualify himself in any proceeding in which his
18 impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall
19 disqualify themselves in circumstances where they have a personal bias or prejudice concerning
20 a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28
21 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a
22 district court makes and files a timely and sufficient affidavit that the judge before whom the
23 matter is pending has a personal bias or prejudice either against him or in favor of any adverse
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1 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
2 such proceeding.” “[A] judge’s prior adverse ruling is not sufficient cause for recusal.” *United*
3 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
4 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
5 extrajudicial source.”).

6 The Court has reviewed the above Motion and finds that Plaintiff’s arguments for recusal
7 are based in part on a misunderstanding of the Court’s procedures for the use of magistrate
8 judges and rely solely on adverse rulings from Judge Settle, which cannot serve as a basis for
9 recusal. *See Studley*, supra. Plaintiff presents no evidence of bias from an extrajudicial source.

10 Plaintiff has failed to present a reasonable basis to question Judge Settle’s impartiality.
11 Accordingly, the Court hereby finds and ORDERS that Judge Settle’s refusal to recuse himself
12 from this matter, Dkt. #11, is AFFIRMED.

13 DATED this 3rd day of February, 2022.

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17 RICARDO S. MARTINEZ
18 CHIEF UNITED STATES DISTRICT JUDGE
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